

Sheehan & Associates, P.C.
spencer@spencersheehan.com

505 Northern Blvd Ste 311, Great Neck NY 11021-5101
tel. 516.303.0552 fax 516.234.7800

May 7, 2020

District Judge Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: 1:20-cv-01409-LJL
Budhani v. Monster Beverage Company

Dear District Judge Liman:

This office represents the plaintiff. In accordance with your Honor's Individual Practices in Civil Cases, plaintiff requests an extension of the time to prove service or file a waiver of service.

The original date by which service is required to be proved to the Court is Monday, May 18, 2020. Fed. R. Civ. P. 4(m) (allowing 90 days for defendant to be served); Fed. R. Civ. P. 6(a)(1)(A)-(B) (excluding the date triggering the period and counting intermediate weekends).

This action was filed on Tuesday, February 18, 2020 and "a copy of the complaint, 2 copies of the waiver form appended to this Rule 4, and a prepaid means for returning the form" was sent to defendant's registered agent as indicated on the summons on Monday, March 2, 2020. After six weeks elapsed without being contacted by defendant or its representative, plaintiff sent another waiver packet to defendant's registered agent and its principal place of business. Earlier today, the undersigned emailed an attorney for defendant's parent company, identified through an internet search, to facilitate the waiving of service.

Plaintiff can arrange the "delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process" to the aforementioned registered agent. Fed. R. Civ. P. 4(h)(1)(B) ("Serving a Corporation, Partnership, or Association.") prior to Monday, May 18, 2020.

However, plaintiff requests an extension of 30 days, until Wednesday, June 17, 2020, to obtain and file an executed waiver so defendant may obtain additional time to move or answer in response to the complaint. Fed. R. Civ. P. 4(d)(4) ("Results of Filing a Waiver"). This will make it less necessary for defendant to hurriedly request an extension of time to respond to the complaint, conserve judicial resources and accommodate defendant and whomever it selects as its counsel. This request is submitted at least 48 hours prior to the date sought to be extended. No prior request was made for the relief sought herein. Thank you.

Respectfully submitted,

/s/Spencer Sheehan
Spencer Sheehan

Certificate of Service

I certify that on May 7, 2020, I served and/or transmitted the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email	Fax
Defendant's Counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plaintiff's Counsel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy Copy to Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

/s/ Spencer Sheehan